IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 16TH NOVEMBER 2007 / 25TH KARTHIKA 1929

Tr.P(Crl.).No. 82 of 2007()

ST.1910/2003 of J.M.F.C.,VADAKKANCHERRY

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PETITIONER: ACCUSED:

C.A.UNNIKRISHNAN, 38 YEARS,
S/O.APPUGUPTHAN,
CHEMBANPADATH HOUSE,
VAKADAPURAM P.O.,
SREEKRISHNAPURAM VILLAGE,
PALAKKAD DISTRICT.

BY ADV. SRI.A.F.SEBASTIAN

RESPONDENTS: COMPLAINANT:

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1. STATE OF KERALA, REP. BY
THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

2. ABDUL VAHAB THANGAL,
S/O.MALIYEKAL POOKOYA THANGAL,
MULLORKARA VILLAGE, THALAPPILLY TALUK,
(REPRESENTED BY HIS POWER OF ATTORNEY HOLDER:
UNNIKRISHNANV.R.,
S/O.VARAVATTOOR RAJAN, S.N.NAGAR DESOM,
MULLORKARA VILLAGE, THALAPPILLY TALUK.)

BY PUBLIC PROSECUTOR SRI. P. RAVEENDRA BABU

THIS TRANSFER PETITION (CRIMINAL) HAVING COME UP FOR ADMISSION ON 16/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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T.P.(Crl).No. 82 of 2007

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Dated this the 16th day of November, 2007

ORDER

This transfer petition is filed on the only ground that the learned Magistrate has not considered the objections of the petitioner against the prayer for condonation of delay. The submissions reveal that the matter has already reached the stage of defence evidence. The petitioner can certainly now raise his contentions against the prayer for condonation of delay, as the delay is seen condoned on 24.3.07 without hearing the petitioner. The petitioner can certainly be given an opportunity to raise his objections against the prayer for condonation of delay. The decision taken on 24.3.07 without hearing the petitioner cannot be held to be final. The petitioner must be given opportunity to raise his objections against the prayer for condonation of delay. Matter having already reached the stage of defence evidence, I direct that the learned Magistrate need consider the petitioner's objection against the prayer for condonation of delay while passing the final order.With the above observations, this transfer petition is dismissed.

(R.BASANT, JUDGE)

sj